

1 MICHAEL LEHNERS, ESQ.
2 429 MARSH AVENUE
3 RENO, NEVADA 89509
4 Bar No.003331
(775) 786-1695

DOCUMENT ECF FILED ON: 12/8/06

5 Attorney for Debtor

6 UNITED STATES BANKRUPTCY COURT

7 DISTRICT OF NEVADA

8 IN RE: CASE NO.: 05-54727
9 (Chapter 7)

10 SCOTT K. GREENE

11 Debtor.

12 _____ /
13 **NOTICE OF APPEAL**
14

15 COMES NOW SCOTT GREEN the Debtor herein and appeals to the
16 Bankruptcy Appellate Panel for the 9th Circuit from the Order Granting
17 Trustee's Motion Authorizing Sale of Real Property Free and Clear of Liens and
18 Encumbrances and Payment of Sales Commission entered in this case on
19 November 29, 2006. A copy of said Order is attached hereto as Exhibit "A".
20

21 The parties to the Order appealed from, the names and addresses of
22 their respective attorneys as follows:

23 Scott Green:

24 Michael Lehners, Esq.,
25 429 Marsh Avenue
26 Reno, NV 89509
(775) 786-1695

David Rankine
12 Taylor St.
Reno, NV 89509
(775) 329-6400

1 RENA Wells:

2 Jeffrey Hartman, Esq.
3 510 W. Plumb Lane, Suite B
4 Reno, NV 89509

5 Anabelle Savage, Trustee

6 William Cope, Esq.
7 Cope & Guerra
8 595 Humboldt St.
Reno, NV 89509

9 Dated: This 7 day of December, 2006

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11 By:
12
13 Michael Lehnner, Esq.
14 429 Marsh Ave.
15 Reno, Nevada 89509
16 Nevada Bar Number 003331
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2 **CERTIFICATE OF SERVICE BY MAIL**
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4 Pursuant to Federal Rule of Civil Procedure 5(b), I certify that on
5 the 8 day of December, 2006 I deposited for mailing in the United States
6 Post Office in Reno, Nevada, with postage thereon fully prepaid, a true copy of
7 the within **NOTICE OF APPEAL** addressed as follows:

8 Jeffrey Hartman, Esq.
9 510 W. Plumb Lane, Suite B
Reno, NV 89509

10 William Cope, Esq.
11 Cope & Guerra
12 595 Humboldt St.
Reno, NV 89509

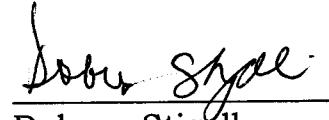
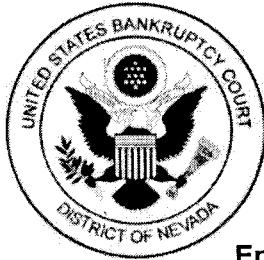
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15 Dolores Stigall
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EXHIBIT "A"



Entered on Docket
November 29, 2006

A handwritten signature in black ink, appearing to read "G.W.Zive".

Hon. Gregg W. Zive
United States Bankruptcy Judge

E-filed November 24th, 2006

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:
SCOTT K. GREENE.

CASE NO. BK-N-05-54727-GWZ
CHAPTER 7

**ORDER GRANTING TRUSTEE'S
MOTION AUTHORIZING SALE OF
REAL PROPERTY FREE AND CLEAR
OF LIENS AND ENCUMBRANCES
AND PAYMENT OF SALES
COMMISSIONS**

Debtor.

Hearing Date: November 21, 2006
Hearing Time: 10:00 a.m.

Anabelle G. Savage, the duly appointed, qualified and acting Trustee of the estate of the Debtor, Scott K. Greene, having filed her Motion for Order Authorizing Sale of Real Property Free and Clear of Liens and Encumbrances and Payment of Sales Commissions ("Motion") along with her Declaration in support of the Motion on October 25, 2006, service of the Motion and notice of hearing thereon having been made and given in the manner prescribed by applicable law, the Debtor, by and through his attorney, John White, Esq., having filed an opposition to the Motion on November 7, 2006, creditor, Reyna Wells ("Wells"), by and through her attorney, Jeffery L. Hartman, Esq., having filed a reply to the Debtor's opposition on November 15, 2006, the Trustee, by and through her attorney, William D. Cope., Esq., having filed her reply to the Debtor's opposition to the Motion on November 16, 2006, the Court having reviewed the Motion and all papers on file pertaining to the Motion, the minutes of other hearings and other pleadings, papers and records as noted on the record, the Motion having come on for hearing on above-captioned day and time,

1 appearances of the parties having been made and the parties having been heard as noted on the
2 record, the Court having considered all of the facts and law relative to the matter and having
3 in previous hearings found and concluded that the Trustee has the capacity to sell the property
4 described in the Motion on behalf of the estate of the Debtor, the Court's findings of the facts
5 and conclusions of the law having been set forth on the record, and the Court being fully
6 advised of the premises, and for good cause appearing, it is hereby

7 **ORDERED** that the Trustee's Motion for Order Authorizing Sale of Real Property
8 Free and Clear of Liens and Encumbrances and Payment of Sales Commissions is hereby
9 granted upon the terms and conditions provided herein, the Debtor's opposition to the Motion
10 is hereby denied and the Trustee is entitled to administer the net proceeds of the sale after
11 payment of all amounts set forth below for the benefit of the estate and its creditors subject to
12 the prior orders of the Court entered herein pertaining to the Wells' objection to the Debtor's
homestead exemption previously adjudicated in this case, and it is hereby

13 **FURTHER ORDERED** that the Trustee's sale of all that certain real property situate in
14 the County of Washoe, State of Nevada, and commonly known as 450 Alamosa, Sparks,
15 Nevada ("Property") to David H. and Louis C. McClenahan for the sum of \$370,000.00 cash
16 ("Sale") upon the terms and conditions set forth in the Offer and Acceptance Agreement
17 Vacant Land ("Agreement"), which Agreement is attached to the Trustee's declaration in
support of the Motion, is hereby authorized and approved, and it is hereby

18 **FURTHER ORDERED** that the Trustee hereby is authorized to take any and all steps
19 to make, execute, acknowledge, and deliver any and all further documents, instruments and
assurances on behalf of the Chapter 7 estate that any party to the Agreement, title company or
successor under the Agreement may reasonably require for the purposes of giving full force
20 and effect to the Sale, and it is hereby

21 **FURTHER ORDERED** that the Sale hereby is adjudged and decreed to be free and
clear of any interest under a declaration of homestead executed by Debtor, a Deed of Trust in
22 favor of Sun West Bank ("Bank"), and/or any outstanding real estate taxes, and it is hereby

23 **FURTHER ORDERED** that the Trustee's employment of Dickson Realty ("Dickson")
as real estate broker solely for the limited purpose of the Sale hereby is authorized and
24 approved nunc pro tunc, and it is hereby

25 **FURTHER ORDERED** that payment by Ticor Title Company or any successor thereto
under the Agreement, on behalf of the Trustee, from the proceeds of the Sale: (A) the normal
26

1 proration and costs of Sale in accordance with the Agreement, including real property taxes
2 and real estate commissions in the amount of six percent of the Sale price to Dickson; and (B)
3 the indebtedness under the Deed of Trust in favor of the Bank as provided in a properly
4 executed demand, subject to a full reservation of rights, are hereby authorized and approved,
and it is hereby

5 **FURTHER ORDERED** that payment by Ticor Title Company, or any successor thereto
6 under the Agreement, of the balance of the proceeds remaining following the payments
7 authorized and approved as provided hereinabove, to the Trustee to hold for the Debtor's
8 claim of exemption against the Property in the amount of \$125,000.00 pursuant to the prior
9 orders of the Court in this case and the remaining proceeds for use and disposition for the
10 benefit of the estate and its creditors subject to the prior orders of the Court and in accordance
11 with the provisions of Title 11, United States Code, is hereby authorized and approved and, it
is hereby

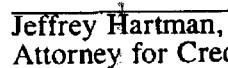
12 **FURTHER ORDERED** that this order is not stayed and the relief granted hereby shall
13 be effective immediately upon the entry hereof, notwithstanding the provisions of Rule 6004(g)
14 of the Federal Rules of Bankruptcy Procedure or any other provision of law.

15 Submitted by:

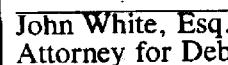
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17 COPE & GUERRA

18 
19 William D. Cope, Esq. Attorney
20 for Trustee, Anabelle Savage

21 Approved/Disapproved

22
23 
Jeffrey Hartman, Esq.
24 Attorney for Creditor, Reyna Wells

25 Approved/Disapproved

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27 
John White, Esq.
28 Attorney for Debtor, Scott K. Greene

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595 Humboldt St.
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(775) 333-0838
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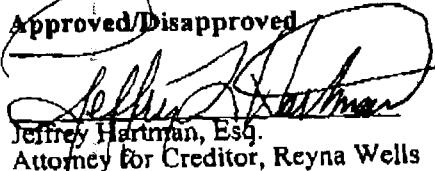
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15 CCOPE & GUERRA

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17 for Trustee, Anabelle Savage

18 Approved/Disapproved

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20 Jeffrey Hartman, Esq.
21 Attorney for Creditor, Reyna Wells

22 Approved/Disapproved

23 John White, Esq.
24 Attorney for Debtor, Scott K. Greene

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20 for Trustee, Anabelle Savage

21 Approved/Disapproved
22

23 Jeffrey Hartman, Esq.
24 Attorney for Creditor, Reyna Wells

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27 John White, Esq.
28 Attorney for Debtor, Scott K. Greene

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